

Message

From: Opalski, Dan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8B5ED6410D934BF699A008A252791A55-OPALSKI, DAN]
Sent: 1/21/2021 7:28:50 PM
To: Shaw, Hanh [Shaw.Hanh@epa.gov]; Murchie, Peter [Murchie.Peter@epa.gov]; Burgess, Karen [Burgess.Karen@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Croxton, David [Croxton.David@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Martinson, Mathew [Martinson.Mathew@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Grafe, Cyndi [Grafe.Cyndi@epa.gov]
Subject: RE: Biden Administration day one actions re: environment and regulatory efforts

All –

Please help me in making sure we are keeping track of the things (Region-specific or with particular effects upon the Region) that are being caught up in broad pauses/reviews. So far I think our count is up to three in terms of things caught up under reg review: 2 NPDES permit FR notices and the Oregon AI Rule. I want to make sure that we are keeping Michelle advised of this. Thanks.

From: Shaw, Hanh <Shaw.Hanh@epa.gov>
Sent: Thursday, January 21, 2021 11:09 AM
To: Murchie, Peter <Murchie.Peter@epa.gov>; Burgess, Karen <Burgess.Karen@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Martinson, Mathew <martinson.mathew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Grafe, Cyndi <Grafe.Cyndi@epa.gov>
Subject: RE: Biden Administration day one actions re: environment and regulatory efforts

Per the Regulatory Freeze Pending Review memo, publication of the final aluminum rule for Oregon has been paused.

From: Murchie, Peter <Murchie.Peter@epa.gov>
Sent: Thursday, January 21, 2021 10:57 AM
To: Burgess, Karen <Burgess.Karen@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Martinson, Mathew <martinson.mathew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Shaw, Hanh <Shaw.Hanh@epa.gov>; Grafe, Cyndi <Grafe.Cyndi@epa.gov>
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And this as well for us to think about in R10:

Another order directed each federal agency to review equity in their programs within 200 days and produce plans to address any disparities. President Biden created an equitable data working group to ensure federal data accounts for the nation's diversity, and directed the Office of Management and Budget to distribute more resources to underserved communities. The President has asked Domestic Policy Council Director Susan Rice to lead a racial equity interagency process.

From: Murchie, Peter
Sent: Thursday, January 21, 2021 10:52 AM
To: Burgess, Karen <Burgess.Karen@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Martinson, Mathew <Martinson.Mathew@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Shaw, Hanh <Shaw.Hanh@epa.gov>; Grafe, Cyndi <Grafe.Cyndi@epa.gov>
Subject: Biden Administration day one actions re: environment and regulatory efforts

All, sharing with you some of the key/relevant actions taken yesterday and related priorities. I would especially pay attention to the water list I pulled out below. Notice WQS not on the list. I bolded ones that seem important for us in R10. Besides this list there is also a call to review any regulations/actions post August and a freeze on any upcoming actions/decisions.

Water

- **"National Primary Drinking Water Regulations: Lead and Copper Rule Revisions," 86 Fed. Reg. 4198 (January 15, 2021).**
- "NPDES Electronic Reporting Rule--Phase 2 Extension," 85 Fed. Reg. 69189 (November 2, 2020).
- "Steam Electric Reconsideration Rule," 85 Fed. Reg. 64650 (October 13, 2020).
- **"Drinking Water: Final Action on Perchlorate," 85 Fed. Reg. 43990 (July 21, 2020).**
- **"Clean Water Act Section 401 Certification Rule," 85 Fed. Reg. 42210 (July 13, 2020).**
- **"The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).**
- "U.S. Environmental Protection Agency, Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP) (December 19, 2019).

Dear colleagues,

I thought I would pass along the E.O.s and the memos that I've seen so far that will impact OW's policy and reg work. This list is not exhaustive. Feel free to forward to others in your organization.

1. List of agency actions to be reviewed (includes NWPR (aka WOTUS), 401, LCR, Perchlorate, Corps nationwide permit, MD's Chesapeake Bay WIP, Bay Delta decisions)
2. Memo on Modernizing Regulatory Review – calls for the OMB director to produce.. “a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. The recommendations should also include proposals that would ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values. These recommendations should be informed by public engagement with relevant stakeholders.”
3. Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. See Section 7 that revokes several Trump E.O.s on WOTUS and infrastructure.
4. Executive Order on Revocation of Certain Executive Orders Concerning Federal Regulation. Includes revoking the Trump E.O. on guidance documents.
5. Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Requires agencies to perform “equity” reviews.
6. Memo: Regulatory Freeze Pending Review. The typical memo freezing anything that has not published in the FR and examining recently published regs in the FR.